S.B. CIVIL WRIT PETITION NO. 237/2004.
(Jale Singh & ors. Vs. Bhanwari Devi & ors.)

DATE OF ORDER : 22.11.2007.

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr RS Saluja, for the petitioners.
Mr BN Kalla, for respondent No.1.
Mr. Shyam Ladrecha, Addl.G.A.

1. Heard the learned counsels.

2. This petition is directed against the order of Board of Revenue whereby the Board of Revenue upheld the order of RAA for appointment of Receiver of the land in question i.e. 43 Bighas 3 Biswas. This Court vide order dated 20.1.2004 had directed the learned trial Court to expeditiously proceed with the trial. The petition was admitted on 23.10.2007 and again on 15.11.2007, this Court in the light of previous order dated 20.1.2004 directed the learned counsel to take instruction in the matter whether the trial is concluded or not. Today, when the matter was taken up again, learned counsel informs that the trial is pending and only issues have been framed now and the next date fixed for evidence of plaintiff / defendant is 24.12.2007.

3. Since the limited grievance of the petitioner in this petition is about appointment of Receiver by order dated 16th

October, 1999, this Court is of the opinion that this petition can be disposed of by directing the learned trial Court to expedite the trial of the suit in Suit No. 6/93 pending in the Court of SDO (North), Bikaner. It is expected that trial should be concluded within a period of one year from now. Learned counsel for the petitioner has further urged that the observation of the revenue appellate authority that the agreement dated 5.1.99 by Kartar Singh in favour of defendant Jale Singh was void may come in his way and affect the trial against him adversely.

4. Though the Board of Revenue in its impugned order dated 8.12.2003 has clearly observed that rights of the parties shall be decided in the aforesaid suit for declaration, therefore, this observation is not likely to affect the petitioner adversely nor it can be said to be a conclusive finding of the RAA, be that as it may, it is made clear that the said observations need not prevail or adversely affect the trial of the suit. The trial court is expected to proceed on the basis of evidence on record and in accordance with law.

5. The writ petition is accordingly disposed of. No order as to costs.

(Dr. VINEET KOTHARI)J.

ITEM NO.20
gandhi/-